



# FRESH START



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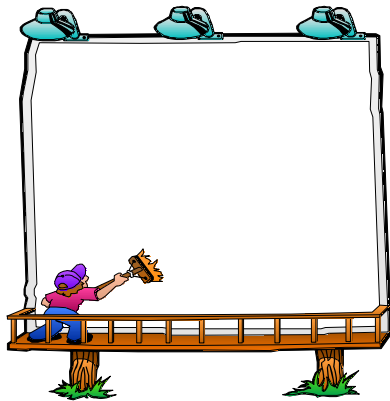
The Newsletter for the Chapter 13 Petitioner

Spring 1998

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## CHAPTER 13 PETITIONERS' WORKSHOP

The Chapter 13 Trustees will be offering a workshop for all Chapter 13 filers. The next workshop will be offered on Saturday, April 25, 1998 from 10:00 a.m. to 1:00 p.m..



## SEMINARIO PARA PETICIONISTAS

Los fideicomisarios del capitulo 13 estan ofreciendo un seminario para todas las personas que esten participando en el capitulo 13. El proximo seminario se llevara a cabo el Sabado 25 de Abril, de 1998 desde las 10:00 a.m. hasta la 1:00 p.m. Las clases seran ofrecidas en el 530 de la calle "B", en el salon de conferencias del piso #11, San Diego, California. Si usted no puede asistir al seminario en esta fecha, por favor, referase al horario adjunto, escoja una nueva fecha y especifique a nuestra oficina que usted quiere atender a un seminario impartido en espanol. Reserve su espacio llenando la forma que aparece en la pagina dos. Recuerde que no hay ningun cargo por asistir a la clase, vistase casualmente y traiga sus preguntas.

## Workshop Schedule

Classes will be held at 530 "B" Street, at the 11th Floor Training Room, San Diego, California. All classes will be held on a Saturday at the following dates and times:

<u>Date</u>	<u>Time</u>
April 25, 1998	10:00 - 1:00 p.m.
June 20, 1998	10:00 - 1:00 p.m.
September 12, 1998	10:00 - 1:00 p.m.
November 7, 1998	10:00 - 1:00 p.m.

You must **RSVP** by filling out the "**Sign Up**" form on page 2. There is no charge for the class. Dress casual and bring your questions!

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## Topics

Topics to be discussed at the workshop include: delinquent payments; reviewing the Trustee's reports; creditor claims; buying a new car; refinancing/selling your home. In addition a speaker from the IRS will be available to provide tax information.

## Tax Refunds are Considered

### Disposable Income

Please be aware that your federal income tax refund may be forwarded to the Chapter 13 Trustee's office and as a general rule will be deposited towards your account and disbursed to your creditors in accordance with your plan. Please note that our receipt of your refund does not count as a plan payment for the month in question. Conversely, it is important that you do not under withhold your taxes and owe post-petition obligations to the taxing authorities. Please consult your own tax advisor regarding the amount of your withholding or, if you are self-employed, the amount

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A **DISMISSAL** on the other hand tells your creditors that you did **not** complete the plan and that

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of your quarterly installments to federal and state taxing authorities.

## **PAYROLL DEDUCTIONS**

Many Chapter 13 filers find it convenient to request a wage deduction through their employer. It's fast and easy and you never have to worry about making your payments on time. For information on how to apply for a wage deduction, please contact the Trustee's Office.

## **Plan Length Over 5 Years**

The length of a Chapter 13 plan cannot exceed 5 years. If your plan is approaching the 5 year mark, and it appears that it will not complete within the 5 year period, please contact your attorney immediately. Our office will motion the court to *dismiss* your case unless it is completed by the 60th month.

## **DISMISSALS**

If you become more than 2 months delinquent in your plan payments, your case will be slated for dismissal. Once this occurs you have the right to request a hearing date and you should do so promptly. You should also consult with your attorney. As a matter of policy the Trustee allows the Court to determine the course of action and does not entertain withdrawing the dismissal motion (or any other motion) once it has been filed with the Court.

## **DISCHARGE VS. DISMISSALS**

It is important for Chapter 13 filers to note the difference between a discharge and a dismissal. A **DISCHARGE** is granted to the filer after he has completed his plan. In general, it takes 4 months from your last plan payment to close the case and receive your discharge papers. The Trustee's Office needs review and audit your case to ensure that there are no discrepancies and that no objections have been filed by any of your creditors.

The discharge papers tells all of your creditors that you have paid your debts according to your plan and that you are discharged in bankruptcy.

the protection of the bankruptcy court has been lifted. The Trustee may move to dismiss your case for failure to make plan payments (or for any other violation of the Bankruptcy Code). Remember you are also free to dismiss your case at any time. Chapter 13 cases are purely voluntary. However, should your case be dismissed, you will no longer have the protection of the bankruptcy court and the creditors may proceed against you and your estate. Any interest or penalties that were accruing during the pendency of your bankruptcy (and which may have been discharged if you completed your case) will be reinstated against you! Therefore if a dismissal is pending, or if you are considering a voluntary dismissal, please discuss the effects and consequences of a dismissal with your attorney.

## **Sign Up For Workshop**

If you would like to sign up for the Workshop please fill out this portion and mail to:

*Si a usted le gustaria asistir al seminario, por favor llene esta forma y mandela a:*

Thomas H. Billingslea, Jr.  
Chapter 13 Standing Trustee  
P. O. Box 671  
San Diego, CA 92112

Yes, I would like to attend the workshop  
*SI, me gustaria asistir al seminario ofrecido en (escoja una fecha)*

offered on \_\_\_\_\_  
(pick a date listed on the reverse side)

Name(s) \_\_\_\_\_

***Nombre***

Address: \_\_\_\_\_

***Direccion***

Case Number: \_\_\_\_\_

***Caso #***

Daytime Phone Number: \_\_\_\_\_

***Numero de telefono***

Please register me for:

***Por favor, registreme para:***

☐ English Workshop  
***Seminario en Ingles***

☐ Spanish Workshop  
***Seminario en Espanol***

Note: This form must be received by our office 30 days prior to the Workshop date.

***Esta forma tiene que ser recibida en esta oficina 30 dias antes de la fecha asignada para el seminario.***

**FRESH START** is a publication of  
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